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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE August 25, 2016	CONTACT/PHONE James Caruso (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT HDFT Investments	FILE NO. SUB2015-00026 Tract 3091
SUBJECT A request by HDFT Investments for a Vesting Tentative Tract Map and Development Plan/Coastal Development Permit to demolish three existing residences, a detached garage and accessory building; subdivide two existing parcels totaling approximately 12,000 sq. ft. into seven lots ranging in size from 1,245 sq. ft. to 2,895 sq. ft. and construct eight residential units in four buildings ranging in size from 360 sq. ft. (studio) to 1,235 sq. ft. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements. The project is located on the southwest corner of First and San Antonia Streets, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract Map and Development Plan/Coastal Development Permit SUB2015-00026 (Tract 3091) based on the Findings listed in A and C and the Conditions listed in Exhibit B & D			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 19, 2016 for this project. Mitigation measures are proposed to address air quality and cultural resources and are included as conditions of approval.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-222-005, 006	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan			
LAND USE ORDINANCE STANDARDS: Section 23.07.120 - Local Coastal Program Area; Section 23.07.104 Archaeologically Sensitive Areas; Section 23.04.028 - Minimum Parcel Size; Section 23.04.166 Number of Parking Spaces Required			
EXISTING USES: Three single family residences; accessory buildings			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi Family / Vacant East: Residential Multi Family / Residences South: Residential Multi Family / Residences West: Residential Multi Family / Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services/Parks, Building Division, Cal Fire, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council.	
TOPOGRAPHY: Site is moderately sloping	VEGETATION: Ornaments; Non-native scattered grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: March 25, 2016

PROJECT DESCRIPTION:

The proposed project is a planned development which includes the subdivision of two parcels totaling approximately 12,000 sq. ft. into seven (7) parcels ranging in size from 1,245 sq. ft. to 2,895 sq. ft. and the subsequent development of eight (8) residential units. The proposed residential units will range in size from 360 sq. ft. to 1235 sq. ft. One proposed parcel will have a 2 bedroom unit and an attached studio unit (per the Avila Beach Specific Plan). Parking is located under the living space and will be provided in tandem on lots 6 and 7. Garage access for parcels 1, 2, 5, 6 and 7 will be from 1st Street via an easement into the garages. Garage access for lots 3 and 4 is directly from San Antonia Street.

Table 1 -- Tract 3091 Project Summary								
Components	Building 1		Building 2		Building 3		Building 4	
Parcel Area (sq.ft.)	1,868	1,437	1,245	1,548	1,578	1,433	2,895	
Unit No.	Unit 1A	Unit 1B	Unit 2A	Unit 2B	Unit 3A	Unit 3B	Unit 4A	Unit 4B
Living Area (sq.ft.)	915	1,154	822	1,031	1,115	1,162	1,235	360
Bedrooms	2	2	2	2	2	2	2	Studio
Garage (sq.ft.)	503	483	547	499	520	483	413	0
Decks (sq.ft.)	200	211	93	172	233	247	339	0
Roof Decks	213	300	258	253	382	47	561	0
Storage (sq.ft.)	0	361	163	0	0	361	0	0
Parking Provided	2 in tandem	2	2 in tandem	2	2	2	2	2

ORDINANCE COMPLIANCE:

TITLE 21 REAL PROPERTY DIVISION ORDINANCE

Section 21.09.010 - Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing park or recreational facilities to serve land divisions.

Staff Response: Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

TITLE 23 COASTAL ZONE LAND USE ORDINANCE

Minimum Parcel Size

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally, minimum parcel size standards are determined by a series of tests that include the type of road that provides access to the site, slope, and type of wastewater facility available to the site. However, this project is subject to Section 23.04.028(d) - *Condominiums*, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. The common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family land use category.

Staff Response: The common ownership external parcel must be at least 6,000 sq. ft. The parcel is 12,000 sq. ft. and complies with this requirement.

The proposed project site area is 12,000 square feet and pursuant to 23.04.084 the project's density (units per acre) can be up to 38 units per acre. Open area must be a minimum of at least 4800 sq. ft. and total floor area can be no more than 7800 sq. ft.

	Allowed	Proposed
Density	38 units	29 units
Maximum Floor Area	7,800 sq. ft. 65%	7,794 sq. ft. 64.9%
Minimum Open Area	4,800 sq. ft. 40%	5,118 sq. ft. 42%

The project as proposed meets or exceeds the minimum requirements in section 23.04.084.

For further discussion on multi-family density, refer to the density section of this staff report under Avila Beach Specific Plan.

Section 23.04.160 - Parking

Parking requirements for multifamily dwellings are based on the number of bedrooms per unit plus required guest parking. In this case, there are seven 2-bedroom units and one studio unit. Two bedroom units require 1.5 parking spaces, and the studio unit requires 1 space. In addition, provisions must be made for guest parking at 1 space plus 1 space per each 4 units.

Staff Response: The proposed project requires 15 off street spaces.

7 – Two bedroom units $1.5 \times 7 = 10.5$
1 studio unit $1 \times 1 = 1.0$

Guest parking
$$\frac{1 + 2 = 3.0}{14.5 \text{ (15 spaces)}}$$

The project complies with this requirement as 16 spaces are proposed.

Section 22.04.104 – Exceptions to Setbacks

A proposed development submitted as a tentative subdivision map and in some cases as a Development Plan application, is exempt from the specific setback requirements of the land use category. The proposed tentative map will propose side and rear setbacks. The Avila Beach Specific Plan controls the front setback (see D.2 below).

The project proposes a 6 foot setback on the southerly property line adjacent to existing development. The side setback on the westerly side is 3 feet for the studio unit and approximately 14 feet for Building 1.

PLANNING AREA STANDARDS:

San Luis Bay Area Plan

All development within the Avila Beach Specific planning area is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control. The proposed project is located in section D of the Specific Plan - Residential Multi-family Area Standards.

AVILA BEACH SPECIFIC PLAN STANDARDS:

D.1. - Density. Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. There would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre;
2. The bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. All other design guidelines and standards applicable to Residential Multi Family are met.

Staff Response: The project proposes a density of 29 units per acre. This is considered high density (up to 38 units/acre). Maximum floor area and minimum open area standards are also at high density level. The project complies with the criteria for increased density because there is no greater obstruction of public views due to existing development adjacent to the property and there is also no greater solar obstruction to the nearest existing residence (see Sheet A-19 Attachment 5).

According to the information in the proposed Mitigated Negative Declaration, and based on the photo simulations, the proposed project will have a minimal effect on existing public views. The photograph below of the existing development shows that there are limited views of the ocean through the site. The photographs are taken from the point on San Antonia Street that affords the maximum view through the site. The proposed development in the next photograph shows substantially the same limitation on ocean views through the site. The areas circled in each

photograph show the effect on existing views. The existing development is slightly lower on the left (east) side and on the west side of the site.



The project will not be visible when viewed from San Rafael Street which is above and to the northeast of the project site. First Street has an approximately 12 foot wide view corridor at a right angle between existing structures. This narrow corridor will be affected by the proposed project.

San Antonio and First Streets are local roadways that carry a small volume of traffic, except on summer weekends when beach traffic increases significantly. However, the project site is small (0.27 acres) and the duration of the views affected by the project for travelers on San Antonio Street and First Street is correspondingly small and less than significant.

The Minimum Open Area must be a minimum of 4800 sq. ft. The project proposes 5118 sq. ft. of open area which is over the minimum requirement. The maximum floor area has been calculated to be just under the maximum allowable area of 7800 sq. ft. The project complies with Standard D.1.

D.2. - Setbacks. To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels.

Staff Response: The parcels adjacent to the site in both 1st and San Antonia Streets have a varied front setback. The existing residences on the site and propose to be removed have a 1-5 foot setback. The adjacent parcels on 1st Street vary from approximately 4 to 9 feet. The one adjacent residence on San Antonia has a front setback of approximately 6 feet. The proposed structures have a proposed setback of 3 feet on San Antonia and 6 feet on 1st Street. These front setbacks are in conformance with the specific plan standard.

D.3. - Allowable Building Height

Building height should be 20 feet, however maximum height is 25 feet provided the following are met:

1. Height would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. The building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

Staff Response: Please refer to the discussion of public views in D.1 above for compliance with D.3.1. The project height is proposed to be 25 feet as measured from average natural grade. The project plans show 2.5:12 roofs above this 20 foot height.



In the perspective view above (corner of 1st and San Antonia Streets), the circles indicate areas of the roof that comply with Standard D.3 above. There is a pitched roof above 20 feet and the roof deck is positioned behind the apex of the roof.

The rectangles in the view above indicate areas that do not comply with Standard D.3 above. There is not a 2.5 in 12 pitched roof above 20 feet and the roof deck extends to the vertical face of the outside wall.

Roof decks are allowed but are required to meet the standards of the Specific Plan. A survey of approved development in the area shows that roof decks have been designed in a similar fashion to this proposed development. The vertical walls ending in a roof deck along the San Antonia Street frontage (rectangles above) need to be addressed. A condition has been added to Exhibit B (Attachment 2) that requires revision of the roof pitch and location of the roof decks for Buildings 2 and 3 consistent with the other areas of the roof that comply with the standard. Heights are measure from average natural grade to the top of the roof deck railings.

As conditioned, the location and design of the roof and decks is consistent with other multifamily development in the neighborhood

D.4.a - Parking Requirements

Except as modified by this section, off-street parking requirements are as specified in the Coastal Zone Land Use Ordinance.

Staff Response: The proposed project complies with this requirement. See Parking discussion above.

D.4.b. – Parking Location

To reduce visual impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108a(2) of the Coastal Zone Land Use Ordinance.

Staff Response: The proposed project complies with this requirement. Parking is located under the buildings.

D.7. – Inclusion of Studio units

In order to maintain an inventory of smaller units that would be affordable to a larger segment of the housing market, projects of more than 4 and fewer than 11 units must include at least one studio unit.

Staff Response: One approximately 360 sq. ft. studio unit is included in the project.

D.8. - Drainage Requirements

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan.

Staff response: This project complies with this standard as conditioned.

COMBINING DESIGNATIONS:

Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Coastal Appealable Zone

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

23.07.104 - Archaeologically Sensitive Areas:

This area of Avila Beach has been designated as an Archaeologically Sensitive Area (ASA). The CZLUO requires projects in an ASA to conduct a site survey, develop a mitigation plan and to implement the plan if significant cultural resources are uncovered.

A Phase I Archaeological Inventory Survey was prepared by CRMS in May 2015. The Survey recommended an historic structure assessment be completed on the existing residences and that an archaeological monitor (including Native Americans) be present on site during demolition and earth disturbing activities.

COASTAL PLAN POLICIES:

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works:	Policy No(s): 1
Coastal Watersheds:	Policy No(s): 8,9,10
Visual and Scenic Resources	N/A
Hazards:	N/A
Archaeology:	Policy No(s): 1, 5, 6
Air Quality:	N/A

Public Works

Policy 1: Availability of Service Capacity. New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff comments: The project complies with this standard. Conditional will serve letters (water and sewer) were submitted for the proposed development.

Coastal Watersheds

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff comments: This project will comply with this standard because construction activities will be regulated by grading and drainage ordinance requirements.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Archaeological Resources

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archeological or paleontological resources, adequate mitigation shall be required.

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

- a. Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.
- b. Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.
- c. When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.
- d. A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

Staff comments: The project is consistent with these policies. Mitigation measures have been identified and conditions have been included to assure that significant impacts to archeological resources within the project area will be adequately mitigated based on the recommendations outlined in the Phase I Archaeological Survey prepared for the project site.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared for this project. The findings and recommendations of the MND are summarized below.

Air Quality. The proposed project has been conditioned to control dust generated from earth moving activities. Also, construction phase equipment must meet emissions control measures to reduce diesel particulate matter.

Cultural Resources. The project is located in a designated Archaeologically Sensitive combining designation area. A Phase I Survey was completed by CRMS in 2015. The report recommends monitoring during earth disturbing activities including demolition and grading. Conditions have been included requiring project monitoring by an archaeologist and Native Americans.

Historical Resources. A Historic Resources Report was prepared in compliance with CEQA. The three existing dwellings on the site are potentially historic as they appeared to be constructed in the early part of the 20th century. The Historic Resource Report was prepared by San Buenaventura Research Associates (2016). The Report concluded,

“The properties ...do not appear to be sufficiently associated with historic events to be regarded as individually eligible for listing on the National Register for Historic Places or California Register of Historic Resources.”

“Consequently, the properties should not be regarded as historic resources for CEQA purposes.”

The applicant has expressed a desire to preserve the dwellings off site if the opportunity is available.

COMMUNITY ADVISORY GROUP COMMENTS:

Avila Valley Advisory Council Sub-Committee: The Avila Valley Advisory Land Use Committee has forwarded a comment letter dated April 26, 2016 (Attachment 6). The Land Use Subcommittee met with the applicant several times to discuss issues with the project. Responses to those comments include the following:

1. Roof decks: Generally, roof decks are part of many projects in Avila in order to take advantage of ocean views. In this case, the conditions require portions of the roof decks to be revised to provide for a pitched roof.
2. Vehicle Access: The Public Works Dept has no concerns with the garage locations on San Antonia and has determined the frontage improvements are adequate. Service companies will review utility and enclosure locations prior to issuance of building permits.
3. Parking Spaces: The proposed project has an adequate number of onsite parking spaces as explained in the staff report. Tandem parking is allowed in certain circumstances such as a multifamily project where tandem parking is no more than 2 cars deep.

AGENCY REVIEW:

Public Works: Avila road fees will be assessed for this project. Sidewalks, curbs and gutters must be constructed on both street frontages.

Cal Fire: Access ramp needs to support a fire truck; unit signage must be placed to be visible to emergency responders.

Avila Community Services District: The applicant has submitted a Preliminary Intent to Serve Letter from the Avila Beach Community Services District. A final Will Serve Letter will need to be submitted prior to issuance of a building permit.

California Coastal Commission: No comments received.

LEGAL LOT STATUS:

The two existing parcels were legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #11 (Book 54, Page 73 of Parcel Maps).

Staff report prepared by James Caruso and reviewed by Karen Nall

Attachments

- 1 – Exhibit A – Development Plan Findings
- 2 – Exhibit B – Development Plan Conditions of Approval
- 3 – Exhibit C – Tentative Tract Map Findings
- 4 – Exhibit D – Tentative Tract Map Conditions of Approval
- 5 – Project Graphics
- 6 – Proposed Negative Declaration